

### REMARKS

The Office Action mailed on December 28, 2004 has (i) noted a lack of a necessary reference to the prior application, and (ii) rejected all claims as being obvious under the judicially created doctrine of obviousness-type double patenting.

The specification has been amended as required by the Office to recited the claim of priority.

A terminal disclaimer is being submitted with this response, which is indicated by the Office Action to be sufficient for overcoming the double patenting rejection. Therefore, the rejection of all of the claims is overcome.

Therefore, the application is in order for allowance and favorable reconsideration of the pending claims is respectfully requested.

No fees are estimated to be due for this response other than for the submission of the enclosed Terminal Disclaimer. Please charge any additional required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,



Date: March 25, 2005

Rattan Nath (Reg. No. 43,827)  
for  
James G. Markey (Reg. No. 31,636)

**JONES DAY**  
222 East 41<sup>st</sup> Street  
New York, NY 10017  
(212) 326-3939

Attorneys for Assignee  
**NIPPON TELEGRAPH AND TELEPHONE  
CORPORATION**

Enclosure